

AMENDED IN ASSEMBLY APRIL 10, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 940

Introduced by Assembly Member Morrell

*(Coauthors: Assembly Members Conway, Gaines, Gorell, Grove,
Harkey, Jones, Nestande, and Wilk)*

February 22, 2013

An act to amend Section 35021 of the Education Code, relating to school volunteers.

LEGISLATIVE COUNSEL'S DIGEST

AB 940, as amended, Morrell. Schools: volunteers: school facility maintenance or improvement.

Existing law authorizes the governing board of any school district to permit a person, except a person required to register as a sex offender, as specified, to volunteer to supervise pupils during the school lunch period or any breakfast period or nutrition period, or to serve as a nonteaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district, as specified. Existing law prohibits a school district from abolishing any of its classified positions and utilizing those volunteers for those services in place of classified employees laid off as a result of the abolition of a position.

This bill would delete this prohibition. The bill would authorize the governing board of a school district, as defined, to permit a person, except a person required to register as a sex offender, as specified, to volunteer time or resources under the supervision of a district employee

for the maintenance or improvement of a school facility, as provided. The bill would prohibit a collective bargaining agreement entered into after January 1, 2014, from prohibiting a school district from using volunteers.

Existing law provides that it is the intent of the Legislature to permit a school district to use volunteer-~~aids~~ *aides* to enhance its educational program but not to permit displacement of classified employees nor to allow a district to utilize volunteers in lieu of normal employee requirements.

This bill would instead state that it is the intent of the Legislature to permit a school district to use volunteers to enhance its educational program or facilities but not to encourage displacement of classified employees nor to encourage districts to use volunteers in lieu of normal employee requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35021 of the Education Code is amended
2 to read:
3 35021. (a) Notwithstanding any other law, ~~any~~ a person, except
4 a person required to register as a sex offender pursuant to Section
5 290 of the Penal Code, may be permitted by the governing board
6 of a school district to perform the duties specified in Section 44814
7 or 44815, or to serve as a nonteaching volunteer aide under the
8 immediate supervision and direction of the certificated personnel
9 of the district to perform noninstructional work that serves to assist
10 the certificated personnel in performance of teaching and
11 administrative responsibilities. With respect to this noninstructional
12 work, the nonteaching volunteer aide shall serve without
13 compensation of any type or other benefits accorded to employees
14 of the district, except as provided in Section 3364.5 of the Labor
15 Code.
16 (b) Notwithstanding any other law, ~~any~~ a person, except a person
17 required to register as a sex offender pursuant to Section 290 of
18 the Penal Code, may be permitted by the governing board of a
19 school district to volunteer time or resources under the supervision
20 of a district employee for the maintenance or improvement of a
21 school facility. With respect to this work, the volunteer shall serve

1 without compensation of any type or other benefits accorded to
2 employees of the district, except as provided in Section 3364.5 of
3 the Labor Code.

4 (c) Notwithstanding any other law, a collective bargaining
5 agreement entered into after January 1, 2014, shall not prohibit a
6 school district from using or encouraging volunteers pursuant to
7 this section or any other section permitting or encouraging
8 volunteers to participate in a school.

9 (d) It is the intent of the Legislature to permit a school district
10 to use volunteers to enhance its educational program or facilities
11 but not to encourage displacement of classified employees nor to
12 encourage districts to use volunteers in lieu of normal employee
13 requirements.

14 (e) For purposes of this section “school district” includes ~~any~~
15 a county office of education or charter school.